

August 4, 2023

**Via ECF**

Hon. Cathy L. Waldor  
U.S. District Court for the District of New Jersey  
50 Walnut Street, Room 4040  
Newark, NJ 07102

**Re: *Johnson & Johnson Health Care Systems Inc. v. Save On SP, LLC***  
**(Case No. 2:22-cv-02632-ES-CLW)**

Dear Judge Waldor:

The Court recently extended the deadline for substantial completion of document production in this case but has not yet adjusted the rest of the case schedule. The parties write jointly to respectfully request that the rest of the schedule be extended proportionally in light of the Court's July 20, 2023 order extending the deadline for substantial completion of document production to September 24, 2023. *See* ECF No. 134. The parties have conferred and have agreed to the following revised schedule:

	<b>Original Date</b>	<b>New/Proposed Date</b>
Substantial Completion Deadline	June 9, 2023	September 24, 2023
Fact Discovery Deadline	October 13, 2023	January 26, 2024
Motions to Add New Parties	September 1, 2023	December 15, 2023
Motions to Amend Pleadings	September 1, 2023	December 15, 2023
Interrogatories	September 13, 2023	December 20, 2023
Document Requests	September 13, 2023	December 20, 2023
Initial Expert Reports	November 10, 2023	February 23, 2024
Responsive Expert Reports	December 15, 2023	March 28, 2024
Reply Expert Reports	January 26, 2024	May 10, 2024
Depositions of All Experts	February 23, 2024	June 7, 2024

Consistent with the Court's Civil Management Order, we have appended to this letter a proposed order for the Court's consideration. *See* Ex. A.

The parties appreciate the Court's attention to this matter.

Respectfully submitted,  
/s/ Jeffrey J. Greenbaum

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# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JOHNSON & JOHNSON HEALTH CARE  
SYSTEMS INC.,

Plaintiff,

v.

SAVE ON SP, LLC,

Defendant.

Case No. 2:22-cv-02632 (JMV) (CLW)

**AMENDED PRETRIAL  
SCHEDULING ORDER**

**THIS MATTER** having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on November 28, 2022, and the parties having conferred regarding amendment to the Pretrial Scheduling Order, ECF No. 64, and reviewed the Court's Civil Case Management Order as well as the Local Civil Rules, and for good cause shown,

**IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2023**

**ORDERED THAT** that this matter will proceed as follows:

- 1. Fact Discovery Deadline.** Fact discovery is to remain open through January 26, 2024. All fact witness depositions must be completed by the close of fact discovery. No fact discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown.
- 2. Motions to Add New Parties.** Any motion to add new parties, whether by amended or third-party complaint, must be electronically filed no later than December 15, 2023.
- 3. Motions to Amend Pleadings.** Any motion to amend pleadings must be electronically filed no later than December 15, 2023.
- 4. Interrogatories.** The parties may serve interrogatories limited to 25 single questions including subparts, on or before December 20, 2023, which shall be responded to within the time set forth in Fed. R. Civ. P. 33(b)(2).
- 5. Document Requests.** The parties may serve requests for production of documents on or before December 20, 2023. The parties shall produce documents on a rolling basis and substantially complete document productions by September 24, 2023.
- 6. Depositions.** At present, the parties do not seek to deviate from a limit of ten fact-witness depositions for each side. However, the parties will reassess their needs as discovery progresses, and do not waive their rights to make an application before the Court for additional fact-witness depositions.

7. **Electronic Discovery.** The parties are directed to Rule 26(f), as amended, which, *inter alia*, addresses preservation of discoverable information, discovery of electronically stored information, and claims of privilege or work product protection. The parties are also directed to Local Civil Rule 26.1(d) which describes the obligations of counsel with regard to their clients' information management systems.
8. **Discovery Disputes.** Please refer to the Court's Civil Case Management Order.
9. **Motion Practice.** Please refer to the Court's Civil Case Management Order.
10. **Expert Reports.** All initial expert reports for issues on which the party bears the burden of proof shall be delivered by February 23, 2024. All responsive expert reports shall be delivered by March 28, 2024. All reply expert reports shall be delivered by May 10, 2024. Depositions of all experts shall be completed by June 7, 2024.
11. **Form and Content of Expert Reports.** All expert reports must comport with the form and content requirements set forth in Rule 26(a)(2)(B). No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in the expert's report.
12. **Dispositive Motions.** To be determined.
13. **Extensions and Adjournments.** Please refer to the Court's Civil Case Management Order.
14. **Protective Orders.** Any proposed confidentiality order agreed to by the parties must strictly comply with Rule 26(c), Local Civil Rule 5.3, and applicable case law. Please also refer to the Court's Civil Case Management Order.
15. **Local Rules.** The parties are directed to the Local Civil Rules for any other matter not addressed by this Order or the Court's Civil Case Management Order.
16. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER OR ANY OTHER ORDERS WILL RESULT IN SANCTIONS.**

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CATHY L. WALDOR  
United States Magistrate Judge